

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KEVIN C.,¹

3:20-cv-1574-JR

Plaintiff,

ORDER

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Russo, Magistrate Judge:

Plaintiff brought this proceeding seeking review of the Commissioner's final decision denying plaintiff's claim for disability insurance and supplemental security income benefits (SSI). On January 7, 2021, the Court remanded the case to the Commissioner for further proceedings. On February 2, 2023, the Social Security Administration found plaintiff eligible for SSI and awarded backpay in the amount of \$34,593.44.

The Court previously awarded plaintiff's counsel attorney fees in the amount \$4,526.09 pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Plaintiff now moves for

¹ In the interest of privacy, this Order uses only the first name and the initial of the last name of the non-governmental party or parties in this case.

an award of attorney fees in the amount of \$4,113.91² pursuant to the Social Security Act, 42 U.S.C. § 406(b)(1). The government does not object and the Court finds the requested fee is reasonable, representing about \$429 per hour for approximately 23 hours of work, given the contingent nature of the fee agreement.

CONCLUSION

For the reasons stated above, plaintiff's motion for a fee award (ECF [27](#)) is granted. Pursuant to 42 USC 406(b)(1), an attorney fee in the amount of \$8,640.00 is awarded. After credit is taken for EAJA fees paid in the amount of \$4,526.09, the net amount of the fee to be paid to plaintiff's counsel is \$4,113.91.

DATED this 12th day of June, 2023.

/s/ Jolie A. Russo
JOLIE A. RUSSO
United States Magistrate Judge

² In his motion, plaintiff asserts his counsel is owed \$4,873.91 after crediting for his EAJA award. However, under the Act and the fee contract executed by plaintiff, plaintiff's counsel is entitled to 25% of the backpay awarded so that counsel seeks a total award of \$8,640. Accordingly, the remaining amount due after accounting for the EAJA fee is \$4,113.91.